

1 that's responsible on that site. So that, you
2 know, when it becomes certification time you can
3 point to someone who is a clear owner of that
4 individual requirement.

5 And the people in the plants who do know
6 the MACT rules, the way they work this is that
7 kind of a mechanism. I don't think the people in
8 the plant run and look at the Title V permit per
9 se. They look at how the environmental experts
10 rake that into the detailed requirement.

11 So at least that's been my experience,
12 and I think it's kind of worth sharing those
13 two points with this group.

14 That was not a question.

15 MS. ANDREWS: Then I won't give an answer.

16 MR. HARNETT: Thank you very much for your
17 time.

18 The next speaker will be Kathy Andria of
19 the American Bottom Conservancy.

20 MS. ANDRIA: Good afternoon. Thank you very
21 much for having this hearing, thank you for the
22 task force, and thank you for including
23 grass-roots representation on the task force. We
24 very much appreciate that.

1 My name is Kathy Andria. I'm with
2 American Bottom Conservancy. We're a
3 not-for-profit organization in the metro East St.
4 Louis area, working to protect the people,
5 resources, and communities of the American Bottom
6 floodplain.

7 We started out working to protect land,
8 working on wetlands issues, and we found ourselves
9 four years ago with a lot air quality issues that
10 we needed to do. So the majority of our time the
11 last few years has been devoted to air issues, and
12 we have been flooded with a slew of Title V's.

13 We are nonattainment for ozone. We have
14 been nonattainment for one hour. We are
15 nonattainment for eight-hour ozone. We have been
16 designated to be nonattainment for fine
17 particulates. We have a number of Superfund
18 sites, a lot of CERCLA sites, a lot of
19 contamination.

20 Our asthma rates are incredible among
21 the youngsters. We have high rates of cancer,
22 heart disease, and lung disease. We have high
23 lead levels in children, and we have people
24 fishing in mercury-laden waters where the fish

1 tissue samples have proven to be high in mercury.
2 And these people are -- a lot of them are doing
3 subsistence fishing; or a lot of their fishing,
4 that's their protein source. That's why we are
5 involved in air.

6 Our organization has appealed an air
7 permit in the Missouri Supreme Court. We
8 intervened in EPA's suit against the Baldwin Power
9 Plant charging new source review violations, and
10 we thoroughly support our upstate organizations
11 who filed against EPA on the Title V coal-fired
12 power plants. Apparently EPA ruled my very
13 inadequate petition that it didn't rise to the
14 level of making it to be legal.

15 East St. Louis has traditionally been
16 dumping grounds for a lot of things. You probably
17 know all about the history. It's where St. Louis
18 dumps their pollution and their dead bodies.

19 We've got half a million people in
20 Illinois on our side of the Mississippi River.
21 It's a valley. It holds -- we have temperature
22 inversions, and it holds the pollution.

23 First of all, I have no technical
24 background, so please, when you give me an

1 acronym, you might have to spell it out because I
2 don't have them all. My background is journalism.
3 I know how to do research, I know how to ask
4 questions, and I know how to write.

5 I've been working with other
6 volunteers -- I am not compensated. I paid for my
7 own way. None of us who are working on this are
8 compensated. I'm working with a young mother of a
9 three-year-old and another mother of a
10 five-year-old who has asthma.

11 In the last two years, we have reviewed
12 13 Title V's, not including a medical waste
13 incinerator that I thought was shut down, so I
14 didn't give it a second thought. I learned in the
15 paper today that it's still operating. And the
16 biggest polluter in the county, because I was
17 intimidated. I hadn't done a Title V before.
18 We've done a chemical plant, steel mills, foundry,
19 a petroleum tank farm, a hazardous waste
20 incinerator, coal-fired power plant, natural
21 gas-fired power plant and a few other kinds of
22 things.

23 U.S. EPA gave Illinois to December 1st,
24 2003, to finish their Title. Typically they did

1 Chicago and northern Illinois first. We always
2 get the last. So we had seven in three days.

3 You asked two questions; how well is it
4 working, and what are the elements that are
5 working? I'd like to add a question, to why is it
6 important? It's important because of the things I
7 told you about where we live. And we take it very
8 seriously.

9 You asked for successes. We've made a
10 number -- made a difference in -- one big
11 difference we've made is Illinois EPA now takes us
12 seriously. We've been granted public hearings for
13 Title V permits, and the hearing officer has
14 respect for the public and asks for questions,
15 invites comment, is helpful when we don't know
16 what we're talking about, helping to guide us to
17 ask better questions. It's very helpful to have
18 the permittee there so that we can start a
19 dialogue and learn, ask questions, and get our
20 questions answered.

21 We view the public hearing as the most
22 important opportunity to ask questions because
23 when we ask questions in a public comment and
24 written form, we never get any answers. In

1 several cases they've extended the public comment
2 period, which we very much needed, given that we
3 had so many within a short time.

4 We have met with Title V permit writers.
5 IEPA made them available to us for all the ones we
6 were working with for a total of four hour
7 sessions, which was extremely helpful. Illinois
8 EPA has withdrawn bad permits that we pointed out,
9 and they've rewritten others.

10 We also met with Region 5 Title V staff,
11 and we hoped that they would help us to get better
12 permits. Unfortunately, for the most part that
13 has not happened. They are looking into a
14 hazardous waste incinerator, Title V, that has
15 been noncompliant for a long time.

16 The Illinois EPA FOIA policy is very
17 good. They provide not-for-profits free copying
18 and make the material available to us. There is a
19 lot of time that's involved to the public in
20 reviewing Title V permits because we take it
21 seriously. We first read the permit. We look to
22 see what we need. We FOIA the material. We have
23 to drive all the way to Springfield to look at the
24 material, to request the different things that we

1 need.

2 We then have to drive all the way back,
3 prepare for the public hearing, prepare questions,
4 listen to the questions, wait for the transcript,
5 wait for the answers -- which for the most part
6 never come that we are promised to have something
7 that they say, "We'll get back to you" -- and then
8 write our comments. And somewhere down the line
9 here we forget that we have to look to see what
10 changes, if any, are made.

11 Finally -- this is a wonderful success
12 that I view -- we got a copy of a permit with the
13 tracking changes, and we could finally see that
14 there were changes. Now, a couple were our
15 suggestions, that we got reporting and
16 recordkeeping and testing added, at least in
17 words, to the permit, but also we noticed that
18 they changed the Title I emission limits. So that
19 hadn't gone through the public process. We didn't
20 have an opportunity to comment.

21 But in my reading of it, and I just saw
22 it in the last two days, it went from talking
23 about pounds per hour, the annual emission limits
24 seemed to go down to either monthly or pounds per

1 hour, and I thought, "Gee, you know, that's okay.
2 You're talking about operational flexibility. But
3 if you're a child who has asthma who lives in that
4 neighborhood, it's not acceptable."

5 There is never a CAM plan. We have an
6 awful lot of Title V's that are not in compliance,
7 and the agency has simply put them on hold.
8 Citizens need help especially in environmental
9 justice communities for enhanced outreach.

10 My organization is not funded. I am not
11 paid. We don't have the money, the time, since
12 we're reading these permits and trying to whiplash
13 back and forth to what this means, what this is
14 referring to. We need help with that.

15 We know that the states don't have the
16 resources. We know EPA doesn't have the
17 resources. So it's up to whoever needs to do it
18 to raise the fees to cover the costs of the
19 program. It's a cost industry, but there is a
20 cost associated, a very high cost, with the
21 children and their healthcare costs, with people
22 in increased healthcare costs and illnesses and in
23 lives.

24 We ask what isn't working? We need a

1 compliance schedule. We need monitoring and
2 recordkeeping. We need reporting requirements
3 written into the permit. We very much need better
4 EPA oversight. If a company doesn't meet its
5 Title I obligations, it needs to be shut down.
6 That's what -- we're hoping that EPA will look at
7 the hazardous waste incinerator that we're dealing
8 with.

9 You should not allow unpermitted plant
10 start-up. For over a year we've got a plant that
11 was shut down, that went bankrupt, the equipment
12 was sold, and suddenly it arises as a new plant,
13 and they have a Title V, and it's very, very
14 confusing. And it shouldn't be up to citizens to
15 try and figure out this mess and bring this all to
16 the attention. We're trying very hard, but it's
17 hard.

18 I listened with alarm when Scott Evans
19 earlier said they can't even locate existing
20 permits. Hello. How can the public know what is
21 required of a company if nobody knows what the
22 existing permits that they're required to operate
23 under. And we have found in Illinois EPA that we
24 don't find all the existing permits. Sometimes

1 there is equipment that seems to be lost.
2 Sometimes it's not there. It's really very
3 confusing.

4 We would very much like to see
5 applications on the Web site. We'd like to see
6 the existing permits on the Web site. We'd like
7 to see EPA's Title V comments back to the agency
8 on the Web site. And we had one -- one actual
9 construction permit which was mostly blacked out
10 for ConocoPhillips. We had a Title V for Solutia,
11 which was 600 pages, much of it blacked out due to
12 so-called trade secrets. We think that's an
13 extreme problem for citizens. How can we know
14 what they're supposedly asking to do if we don't
15 know what it is? How can we enforce it? There is
16 a lot of vague language.

17 We would also ask a question to you.
18 How do we get IEPA to finish their Title V's?
19 They seem to have plenty of time to do
20 construction permits.

21 We had a bad permit for Granite City
22 Steel Plant, which is now U.S. Steel, which was a
23 hundred pages long, with 400 cross references
24 stapled to it. They withdrew that permit.

1 And we ask for a statement of basis.

2 My two-minute mark has come up. I
3 wanted to ask a -- answer a couple of your
4 questions.

5 Yes, you asked resulting in permits that
6 clearly compile all of a source's applicable
7 requirements into a single document? No.

8 Have they triggered actions that result
9 in better compliance with the AAA? I think the
10 record is still out on that.

11 Improved citizen participation? You
12 bet. That's why are working. Because we feel
13 responsibility for this, and we're trying our best
14 to do it.

15 Insured self-funding adequate to run
16 effective programs? No.

17 Resulting in better air quality? Again,
18 it's still out, but we don't see it yet. The
19 better air quality is due to the weather, we
20 believe, not to better Title V.

21 Mr. Muraswski this morning said
22 something about allowing facilities to write their
23 own permits. Unfortunately we think they already
24 do in a lot of cases.

1 And he also said that he thought that
2 the permit engineers should visit the facilities.
3 We absolutely agree. But they should also visit
4 the communities in which the facilities are
5 located.

6 I think I'll stop. It's probably my
7 time.

8 MR. HARNETT: Okay.

9 Shelley Kaderly?

10 MS. KADERLY: Thank you very much for coming
11 to us today, especially on your own dime. We
12 really appreciate you being here and providing
13 your perspective.

14 I wanted to ask you a little bit about
15 Illinois's FOIA process. You said that they've
16 got a very good one. And I was wondering if you
17 could kind of describe a little bit about what a
18 typical FOIA process would look like for you. How
19 long does it take for them to respond? Do they
20 have to respond to you within a certain time
21 frame? How easy is it to get in and get access to
22 the documents? That kind of thing.

23 MS. ANDRIA: It varies. It's not the same
24 across the board. We might be able to FOIA

1 something and get whatever it is sent within a day
2 or two, if it's available. If it takes a search
3 to get all the records together, it could take
4 longer. I think, you know, it's gone up to a
5 couple of weeks. We have to fit into a time
6 frame.

7 They've got, I think, two rooms. They
8 put you in a room. You have a copier that you can
9 copy, and you're supposed to be able to make so
10 many copies free. They have all of the records
11 stacked up. You have a FOIA officer that is
12 assigned to air and to you, and she's very helpful
13 in getting the documents.

14 Unfortunately, not all of the documents
15 are there. It's not the FOIA officer's place.
16 Something might be in another division, and it's
17 like, "It's not my table," kind of thing. So
18 it's -- you know, it varies.

19 MS. KADERLY: How do you know when a permit
20 is out on public notice?

21 MS. ANDRIA: We are on a list now. Before we
22 had to count on seeing something in a local paper
23 -- and that's another thing. I wish there were
24 some way of making uniform what is a paper of

1 record. Things go into a community, and if it's a
2 little town that it's that newspaper that gets it,
3 I mean, there is not a wall around there. The
4 next community over doesn't get that paper, but
5 they're breathing that air. So I think there
6 needs to be better enhanced outreach on that.

7 But we are notified and get sent
8 notifications.

9 MS. KADERLY: And just one other quick
10 question. When they hold hearings, do they hold
11 hearings in your area, where the facility may be
12 located, or are they held in Springfield? I
13 wasn't quite sure.

14 MS. ANDRIA: For the most part they're in our
15 area. One interesting one, we've got a pool of
16 gasoline petroleum products under the Hartford
17 area from the refineries, and there was a public
18 hearing that was scheduled to be there, and it had
19 to be moved because they said the building could
20 explode that night. So we've got challenges to
21 that.

22 Then they had one that they combined two
23 power plants. One was in a southern Illinois
24 community, one was up in the Alton area, and they

1 held it in between, halfway in between, which was
2 totally unacceptable because neither community --
3 I mean, it was a wide area. I mean, it made
4 sense, I guess, but it was not convenient to the
5 community participants.

6 MS. KADERLY: Okay, thank you.

7 MR. HARNETT: Verena Owen?

8 MS. OWEN: Thank you.

9 I think I have more a comment than a
10 question. Thank you so much for coming to address
11 us. I think, and I hope, that your comments
12 remind a lot of people in the room who we are
13 working for. So thanks.

14 MR. HARNETT: Bob Morehouse?

15 MR. MOREHOUSE: Kathy, when you get a permit
16 to review, a draft permit, what are the two or
17 three most important things you're looking for?

18 MS. ANDRIA: What are the sources. What are
19 the emission limits. What's their record of
20 compliance. What I know about the plant and its
21 history. I go on ECHO. I start doing, you know,
22 to see what it is that is on the Web site;
23 scorecard, different kinds of things, the EPA.

24 I start with those before I start going

1 through correcting the grammar and the typos and
2 then start looking at the regs.

3 MR. MOREHOUSE: Is your concern whether or
4 not the appropriate applicable regulations have
5 been assigned to that site, or -- when you look at
6 the emission sources, what would you do with that
7 information?

8 MS. ANDRIA: Well, you look at that -- I
9 mean, we look at that, but you also look at the
10 existing permits, and it's very hard to see. It
11 seems like sometimes there is a disconnect between
12 what it's saying and what it's -- what the
13 existing permits are, and sometimes we don't even
14 find the existing permits.

15 MR. HARNETT: Dick van der Vaart?

16 MR. VAN DER VAART: Where did you get that?

17 MR. HARNETT: I don't know.

18 MR. VAN DER VAART: I think it's great you
19 came down here. The one thing, I wanted to follow
20 up on what Bob Morehouse said, because it's
21 interesting to hear somebody like a journalist try
22 to look at these incredibly complicated pollutant
23 permits.

24 Again, where Bob is saying what are you

1 looking for, would you like to look at a permit,
2 once it's issued, let's say, and it's out there,
3 would you like to be able to look at that permit
4 and determine whether the source is out of
5 compliance at all?

6 MS. ANDRIA: Well, frankly I would like not
7 to have to look at another permit ever.

8 MR. VAN DER VAART: You and me both.

9 MS. ANDRIA: But I would like for there to be
10 a real Title V permit that said everything that
11 was supposed to be complied with, everything that
12 was required of the source, and I would think the
13 source wants that, too, so that we would know what
14 it is.

15 I mean, we've gotten permits that said
16 if such and such is a such and such located in
17 Chicago and everything, and well, it's in East St.
18 Louis. Why would they say that?

19 There are so many things that are
20 just -- I guess, because of resources, things just
21 get gobbledygooked up, and I would like to see
22 things be very clear, and that's what the industry
23 seems to be asking also.

24 And I want to be able to -- people who

1 are not me, who are not technical -- I mean who
2 are technical, to go and to be able to look and to
3 see.

4 MR. VAN DER VAART: Well, I think industry
5 does want -- I think everybody wants that. But in
6 terms of being able to look at the permit, I know
7 that sometimes it's a daunting task. Would you
8 like to be able to look at the compliance
9 certification and see whether or not they're --
10 whether they're in compliance or whether there
11 were periods of noncompliance.

12 MS. ANDRIA: I would very much like to do
13 that. We're already seeing a whole bunch of
14 things. I mean, we've got people who are saying
15 they're in compliance and people at -- who at
16 hearings are saying they're in compliance when
17 it's very clear that they're not.

18 So I am very interested to see them sign
19 their own names to something saying, "I am in
20 compliance. My company is in compliance, and I am
21 responsible," because then we have something to go
22 after them for.

23 MR. HARNETT: Kelly Haragan?

24 MS. HARAGAN: I have a question about the

1 trade secrets, or I guess a couple questions.

2 Are they actually withholding portions
3 of permits as trade secret?

4 MS. ANDRIA: Most of a permit.

5 MS. HARAGAN: They just black out and won't
6 let you see the actual permit?

7 MS. ANDRIA: That's correct.

8 MS. HARAGAN: That's outrageous.

9 And are there other things like that
10 that you don't think should be withheld as trade
11 secret that are being withheld?

12 MS. ANDRIA: Well, not knowing what is being
13 withheld is hard to see from a reading. I had a
14 chemical engineer look at the Solutia permit, and
15 as she read it, she said, "I don't believe this is
16 trade secret. It's old, dirty chemistry."

17 So I do not know. I cannot judge. But
18 it just totally violates the spirit of Title V to
19 have half or more of a permit blacked out.

20 MS. HARAGAN: I agree.

21 MR. HARNETT: Bob Palzer?

22 MR. PALZER: Thank you very much for coming
23 here. I particularly appreciate with you not
24 having a technical or scientific background, of

1 wading through this material.

2 Have you found the agencies that you
3 worked with, whether it be the local agencies or
4 EPA, to provide information to make it easier for
5 a person with your background to understand what's
6 going on?

7 MS. ANDRIA: The Illinois EPA, there are a
8 couple of people down in our local office that
9 have been helpful and met with citizens, and they
10 have offered to do some Title V training.

11 I did take the Title V training offered
12 by EPA in 2000 and took the new source review
13 training, but many citizens aren't able to do
14 that. Many are so intimidated, and many are
15 fearful of speaking out in the environmental
16 justice communities, the black communities.
17 They're just really fearful. And in some of the
18 white communities, there is real intimidation for
19 people because the companies -- the towns are
20 company towns, like Hartford, the contaminated
21 petroleum site. A lot of the people will come to
22 me or call me and ask me to do such and such, to
23 look into this, but they are so fearful of
24 speaking out because they fear retribution.

1 MR. PALZER: And what kind of recourse do you
2 have? I can understand it's got to be a
3 tremendous hurdle. Do you have any suggestions on
4 how people in a community could give testimony
5 with impunity against reparation against them?

6 MS. ANDRIA: You mean like they do in
7 Congress, and have them behind a black box? I
8 don't think so. I don't know.

9 I think it would be helpful if some part
10 of the Title V money could go into a fund that
11 citizens could apply for resources to fund their
12 own technical person to advise them. I think --
13 and then the technical person could go and
14 represent them. That way individual people could
15 be culpable to either the company or the city.

16 MR. PALZER: Thank you.

17 MR. HARNETT: Lauren Freeman?

18 MS. FREEMAN: Thank you.

19 I don't know if you had a chance to sit
20 through some of the earlier discussions about the
21 MACT -- the maximum achievable control
22 technology -- for hazardous air pollutant
23 standards and the conundrum as to how to deal with
24 those. There are sometimes hundreds of pages of

1 regulations, can't put the whole thing in the
2 permit, struggling with the amount of detail and
3 monitoring and recordkeeping and reporting.

4 So I don't expect you to solve that
5 problem for us, but if you had a copy of a permit,
6 I wonder if you've seen a permit that has the
7 right amount of detail to inform the public about
8 those things. You said monitoring, recordkeeping,
9 reporting should be in the permit. That would be
10 very helpful, to see from your perspective what
11 the right amount of detail is.

12 MS. ANDRIA: Not seen one yet.

13 MS. FREEMAN: Okay.

14 MR. HARNETT: Steve Hitte.

15 MR. HITTE: I, too, would like to thank you
16 for coming.

17 You made a statement that you would like
18 to see "EPA oversight." If you got that
19 oversight, can you describe to me what would be
20 success in your eyes?

21 MS. ANDRIA: I would like EPA to actually --
22 I know that they have many permits to review and
23 limited staff to do it, but I really would like
24 for them to look at the permits, the comments, the

1 aid to the community, the changes, tracking
2 changes to see what's slipped in. I hate to use
3 that term, but that's the way I see it. And look
4 at the operating permits to see if that's what's
5 really happening.

6 I wish they would also, at the same
7 time, look at the records of compliance, of what
8 is happening with the industry. I think that this
9 section enforcement isn't looking -- the Title V
10 is not looking there. I mean, there is all these
11 little divisions, and there is not -- it's like
12 the air is mixing up there where we're breathing.
13 But there is all these petitions between the state
14 and each of the different divisions.

15 It's like when air is depositing -- air
16 emissions are depositing mercury. It's not an air
17 problem. It's not a water problem. It's not a
18 land problem. Everybody keeps passing the buck on
19 these things. And there has got to be some way of
20 looking at it as a cumulative whole. There are
21 synergistic effects that are not being taken into
22 account, and there is so much that is happening,
23 and the people living in these communities are
24 truly suffering.

1 MR. HARNETT: Verena, did you have another?

2 No --

3 MS. OWEN: I --

4 MR. HARNETT: Go right ahead.

5 MS. OWEN: Listening to you, I noticed that
6 you were talking about that when you review a
7 permit, especially environmental justice area that
8 might have a disproportionate share of pollution
9 already, that you go beyond just permit review and
10 go into compliance issues and probably public
11 complaints and probably review the emergent
12 response file.

13 Would it be helpful for you, in your
14 work, if there was a document that was maybe
15 outside the permit that would address that, as an
16 accompanying document?

17 MS. ANDRIA: I need for you to explain what
18 you mean, a document outside.

19 MS. OWEN: I was talking about a statement of
20 basis that would basically go into the details
21 that might not be appropriate in the permit but
22 should be addressed in Title V review; a listing
23 of Title I permits, a compliance history, some
24 kind of notice that the sources of compliance --

1 MS. ANDRIA: Absolutely. I mean, that should
2 be very basic to the process. I mean, we've been
3 asking for that. You've been asking for that.
4 We've not gotten it in Illinois. They keep doing
5 little -- an intro kind of thing, which doesn't
6 give much information, but, I mean, it would be
7 very helpful to the public. And I think it would
8 be helpful to everyone to be able to look at
9 something in a snap and see why it's being issued,
10 a permit, what the history is, what the whole
11 basis for giving the permit is.

12 MR. HARNETT: Thank you very much for coming
13 here today to talk to us.

14 MS. ANDRIA: Thank you. Thank you for being
15 kind in your questions.

16 MR. HARNETT: Our next speaker is Faith Bugel
17 of the Environmental Law Policy Center.

18 I'll warn you at a two-minute mark.

19 MS. BUGEL: Okay. I don't think I should go
20 that long, but we'll see.

21 First of all, thank you for having me
22 here today and providing us an opportunity for
23 comment.

24 Again, my name is Faith Bugel. I work